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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 25, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Hawai'i

Issuance of Right-of-Entry Permit to Kohala Watershed Partnership on Lands
Encumbered by General Lease No. S-4474, Parker Ranch, Inc., Puu Kawawai,
Panoluukia and Kapia, South Kohala, Hawaii, Tax Map Key: 3rd/ 6-2-01:15.

APPLICANT:

Kohala Watershed Partnership, a non-profit entity whose business and mailing address is
P.O. Box 437182 Kamuela, Hawaii 96743.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Puu Kawawai, Panoluukia and Kapia, South
Kohala, Hawaii, Tax Map Key: 3rd/ 6-2-01:15, as shown on the attached map labeled
Exhibit A.

AREA:

15,000 linear feet fence line.
Enclosing 250 acres, more or less.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: A-20A

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered under General Lease No. S-4474 to Parker Ranch, Inc., for pasture use.
Lease expires on 2/28/2011

CHARACTER OF USE:

Ungulate-proof fencing purposes.

TERM OF RIGHT-OF-ENTRY:

June 1, 2009 through December 31, 2010.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3, Item e that states "Construction and location of single, new small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences."

DCCA VERIFICATION:

The applicant is a voluntary group of private landowners and State land managers and as such, is not required to register with the DCCA.

APPLICANT REQUIREMENTS:

- 1) Obtain written concurrence from all users of the subject land.

REMARKS:

The Kohala Watershed Partnership (KWP) is a voluntary coalition of private landowners and State land managers who joined together in 2003 to work across property boundaries to manage the forested watershed of Kohala Mountain and protect it from threats.

The KWP is requesting a right-of-entry onto State land encumbered by GL S-4474 to Parker Ranch, Inc. The KWP is applying for a grant from the National Oceanic and Atmospheric Administration (NOAA) through the American Recovery and Reinvestment Act (ARRA). This project will entail the construction of 15,000 linear feet of goat-proof fence along Waiakamali Gulch (6 feet total height, wire mesh and barbed wire).

Combined with private land adjacent to the gulch, this will create a 400-acre fenced stream corridor between Waiakamali and Luahine gulches, which will extend makai of the 375-acre restoration corridor already being implemented with the Hawaii State Natural Area Reserve System (NARS) crew. Within this fenced watershed area, feral goat populations will be eliminated, invasive plants (especially fountain grass) will be controlled, and native plants will be sown and/or out planted. Additionally, a firebreak along the fence line will be maintained for fire management.

The Watershed Partnerships Program provides technical and financial support for the implementation of watershed management plans developed by the Watershed Partnerships statewide. There are over 60 public and private landowners involved with close to one million acres found under these Watershed Partnerships.

The Natural Area Reserve Special Fund, established by HRS §195-9, funds the Watershed Partnerships Program. These funds come from a portion of the conveyance tax, which is levied each time real estate property is bought or sold.

Watershed Partnerships are critical to protecting watersheds and their unique biodiversity across large landscapes and different ownership boundaries. The benefits of collaborative management practiced under Watershed Partnerships are many: 1) management actions address large landscapes and threats affecting multiple habitats and species; 2) they leverage limited dollars for maximum benefits and allow the pooling of resources as well as expertise to reduce redundancy efforts; 3) provide capacity building for landowners; and 4) actions conserve other ecosystem services such as water, recreation, culture, education, and jobs.

The Division of Forestry and Wildlife through its NARS, manages approximately 13.47 acres of land within GL S-4474 as the Koaia Sanctuary under Governor's Executive Order No. 1409. NARS is currently requesting the set aside of approximately 375 additional acres from lands encumbered by GL S-4474 for much of the same purpose as this right-of-entry request.

Staff has received a letter of concurrence from the Lessee, Parker Ranch allowing the applicant access to the lease land (exhibit B).

Staff is recommending the Board waive the right-of-entry fee. The Kohala Watershed Partnership is affiliated with the NARS and is providing an invaluable service by fencing out feral ungulates and controlling invasive flora and fauna.

Should the project go beyond the end date stated above due to delays as a result of administrative, technical or natural causes, staff is recommending the Chairperson be authorized to extend the term of the right-of-entry.

RECOMMENDATION:

That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to Kohala Watershed Partnership covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:


1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the Chairperson to issue future right-of-entries to the Applicant in relation to its installation and maintenance of the fence line.


Respectfully Submitted,



Gordon C. Heit
Land Agent 

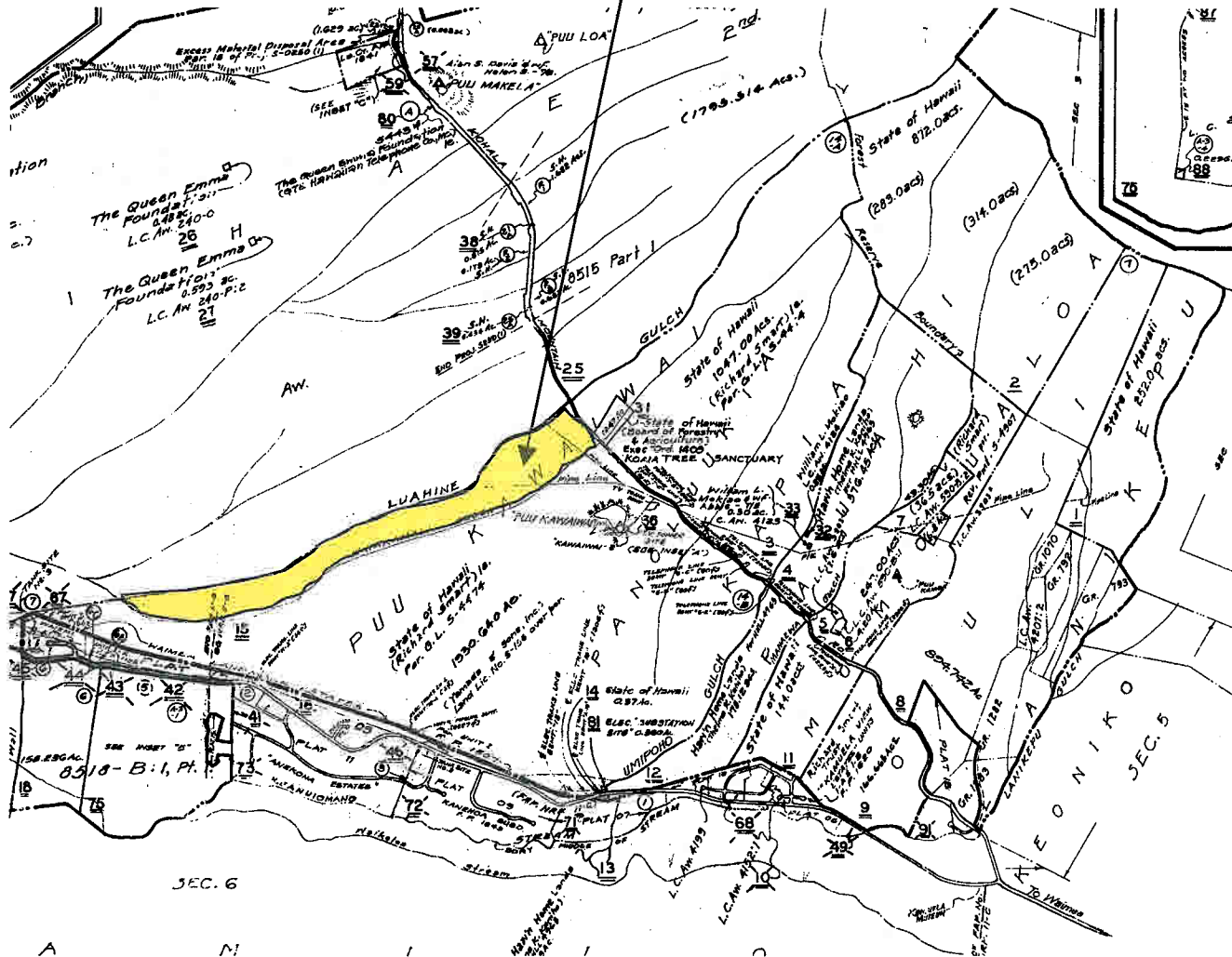
APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 

TMK: 3RD/6-2-01:15

Subject Area



GL S-4474 Right-of-Entry

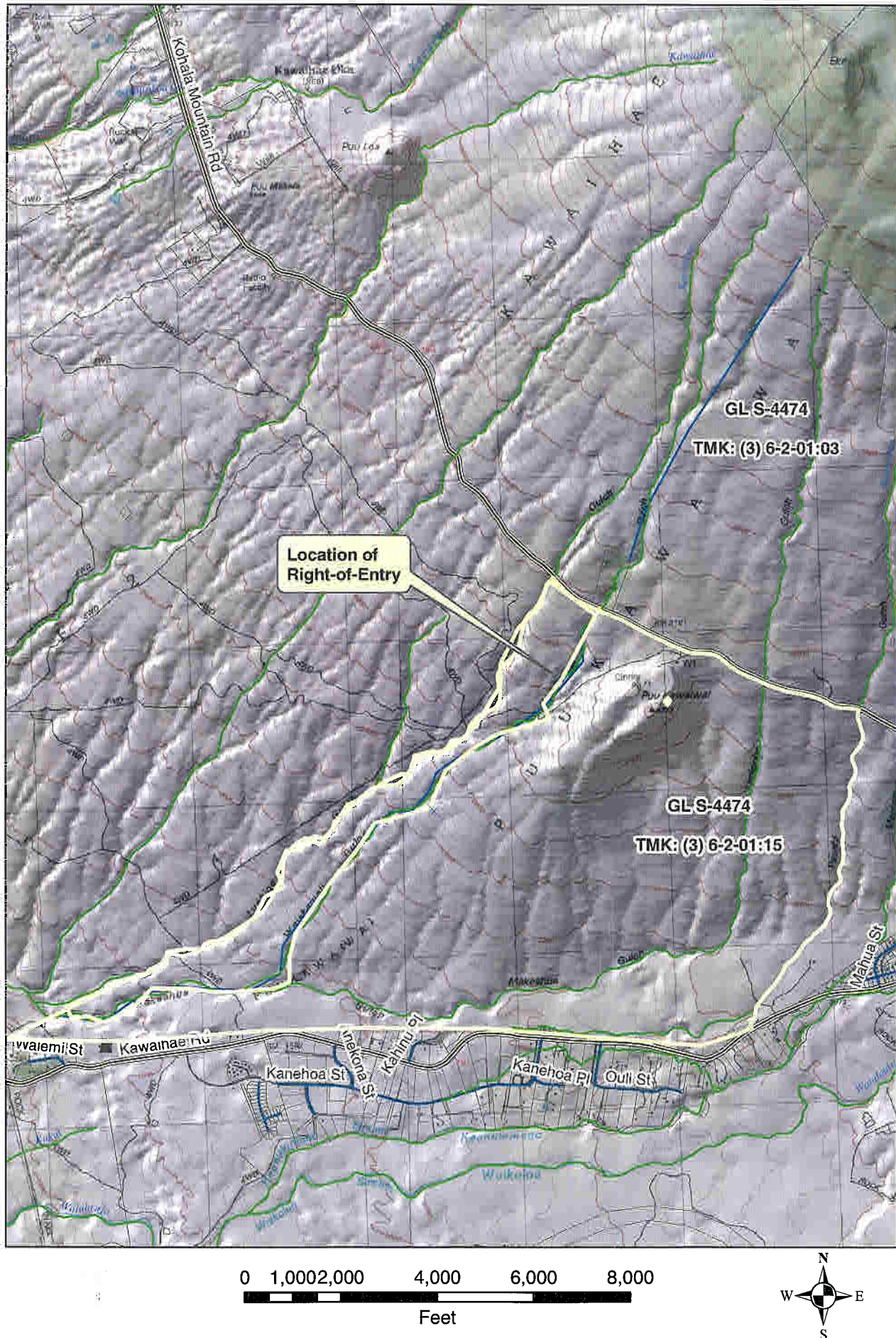


EXHIBIT B

Parker Ranch

2009 SEP -2 A 11:38

RECEIVED
LAND DIVISION
HAWAII

May 28, 2009

Gordon C. Heit, Land Agent
State of Hawaii, DLNR
Land Division
75 Aupuni Street, Room 204
Hilo, HI 96720

RE: Issuance of Right-of-Entry Permit to Kohala Watershed Partnership in Lands
Encumbered by General Lease No. S-4474, Parker Ranch, Inc., Puu Kawaiwai,
Panoluukia and Kapia, South Kohala, Hawaii. Tax May Key: 3rd/6-2-01:03

Reference Number: GL S-4474

Dear Mr. Heit,

This letter is to affirm the concurrence of Parker Ranch, Inc. with the proposed
watershed restoration project on the leased lands as specified above.

Please contact me if you need further information.

Sincerely,

Michael "Corky" Bryan, Vice President
Livestock Operations